



City of Naples

Naples City Council Meeting Agenda
April 14, 2022 - 7:30 p.m.
1420 East 2850 South
Naples, UT 84078

Opening Ceremonies

1. Approval of Agenda
2. Approval of Minutes - March 24, 2022 Regular Council Meeting
3. Any Follow Up Matters from March 24, 2022
4. Approval of Bills
5. Ordinance 22-243 Tobacco Specialty Shops
6. Department Reports
7. Other Matters/Future Council Matters
8. Motion to Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Naples City offices at 789-9090, 1420 East 2850 South, Naples, UT 84078 at least 48 hours in advance of the meeting. Meetings are held at 1420 East 2850 South, Naples, UT.

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda was faxed or emailed to the Vernal Express. The agenda was also posted on the City's website www.naplescitu.gov, and on the State Public Meeting Notice website <https://pmn.utah.gov>. Nikki W. Kay

**Naples City Council
March 24, 2022
Minutes**



The regularly scheduled meeting of the Naples City Council was held March 24, 2022, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

***DATE, TIME & PLACE OF
MEETING***

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

***COUNCIL MEMBERS
ATTENDING***

Others attending were Heidi Lundberg, Cindy Birchell, Staci Moho, Sidney Moho, Florin Owens, Mary Owens, Stephanie Adams, Lesha Coltharp, Mechell Miller, Ryan Cook, Szeth Simmons, Nathan Simper, and Micheal Davis.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Dan Olsen **moved** to approve the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

The minutes of the regular city council meeting of March 10, 2022 were presented for approval. Robert Hall **moved** to approve the minutes. Dennis Long **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Reynolds wanted to know if they found anything on the legality of preventing vape shops in the City. Micheal said the information was given to Dennis Judd and he did send back an Ordinance for it, but it's not been put back on the agenda yet. Mayor Baker stated if Mr. Judd was okay with it and the Council wanted to move in that direction, then put it on the agenda for next council meeting.

***FOLLOW UP ITEMS FROM
PREVIOUS MEETING***

Mayor Baker presented the bills for payment in the amount

APPROVAL OF THE BILLS

of \$76, 223.64. Dan Olsen **moved** to approve the amount as presented. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Cindy Birchell with the Uintah Basin Jr Livestock show came before the Council to ask consideration of approving a donation to the Junior Livestock Show. Ms. Birchell said she understands how budgets work and hoped the Council had already approved setting aside some money for them this year, and if not, would they consider looking at adding them for the next fiscal year. Ms. Birchell stated they had over 324 participants last year in the main show, which is 3rd grade through 12th. She said they also have a peewee division. Ms. Birchell reported on the awards given. She said about half of the participants are from out of town and the local Microtel is one of their sponsoring hotels and they offer a discount for participants. Ms. Birchell stated people also stop at IFA for feed or show items they might have forgotten. Ms. Birchell gave some statistics on the positive effects for youth who participate in 4-H or FFA and said they are excited to host one of the activities for these groups. Mayor Baker stated the City has set aside \$250 for a donation to their event. Gordon Kitchen **moved** to approve the amount of \$250 for the Jr. Livestock Show. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Heidi Lundberg, Uintah County Emergency Operations Manager, came before Council to present some changes to the County Emergency Operations Plan. Ms. Lundberg gave a brief description of the Emergency Operations Plan, what its purpose is, and who is included. Ms. Lundberg stated that a lot of the changes were updating numbers according to the 2020 census. She said they also updated information on the airport. Ms. Lundberg said the plan is a living document and

DRAFT

***REPORT AND REQUEST
FOR DONATION - UINTAH
BASIN JR LIVESTOCK***

***PRESENTATION AND
APPROVAL OF CHANGES
TO COUNTY EMERGENCY
OPERATIONS PLAN***

always changing so they changed the time frame for how often updates will be made to the plan. Ms. Lundberg said the contacts were updated in the appendix. She said as soon as all of the changes are approved and the signature pages are complete she would get a copy to the City. Robert Hall **moved** to allow the Mayor to execute the Uintah County Operations Plan. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A local consent form for a single event alcohol permit was given to Council for their approval. The event is the annual Zeco Charity Golf Tournament. The event helps support the Children's Justice Center. Dennis Long **moved** to approve the single event permit. Dan Olsen **seconded** the motion. The motion passed with all voting in the affirmative.

Council members received a copy of Resolution 22-339 which gives a termination date on the possibility of reverter on the self-help housing lots in Pheasant Run Subdivision. Micheal stated a third lot was paid off by the Title Company just this week and that would leave two lots. He said the Resolution gives an end date of September 15, 2024 as the Council discussed. He said the Resolution also states the City would take second position on any future mortgage. Councilman Long asked if either of the remaining lots were trying to be sold. Micheal said not as far as he knows. One of the original owners of the lots stated there is no time frame listed in their title and as long as they don't break the agreement they don't have to pay. Micheal said the only thing they have done with this Resolution is set a time frame and in two years the possibility of reverter will go away and they won't have to worry about it. Stacy Moho, one of the original owners, said when they first entered into this they were told not to rent the property or use it for commercial gain. She said they have never done that and wondered why this was coming up now. Micheal Davis said because others have sold and not been held responsible and there have been issues with the Title Companies. He said the City thought it was time to put a time frame on it. Ms. Moho wanted to know what would happen if they had to relocate for work, and they've not broken the contract, what would they do then.

DRAFT

***LOCAL CONSENT FOR
SINGLE EVENT PERMIT -
ZECO CHARITY GOLF
TOURNAMENT***

***APPROVE RESOLUTION
22-339 - TERMINATION
DATE FOR POSSIBILITY
OF REVERTER ON SELF
HELP HOUSING LOTS***

Micheal said they would need to work that out with the new owner and the Title Company. Ms. Moho asked if there was any way to change the date to ten years. Council said they have discussed that and felt like the twelve was a good compromise. Flora and Mary Owens stated they are third owners on the property and they didn't sign an agreement on the property. Mr. Owens said the original owners sold and took the money and ran and now the City is putting this back on them. He said this was not caught by two other property owners that sold so there must be something kind of "hokey" with it to begin with. Mr. Owens stated they paid their house off last year and felt like they were free and clear and then found out they weren't. Mayor Baker stated the original owners knew what was attached to that property and knew they were receiving a good deal. Mr. Owens said, they knew, he did not, he paid full price. Councilman Kitchen said that is part of a Title Company's responsibility to make sure that property was clear and free. Councilman Kitchen said they are the ones they need to go back to. Mr. Owens said he did. Councilman Kitchen said, "and they paid." Mr. Owens stated they did, after he threatened to sue them. Councilman Kitchen stated that is why a buyer goes through a Title Company, so they have that "insurance" that everything has been researched. Mr. Owens said it would be good, if the City ever does this again, to make sure the first owner is responsible when the home is sold. Micheal said that is what the City hoped would happen, that the Title Company catches it and makes the first owner responsible. Micheal said it would be good if the first owners were honest enough to report it and take that responsibility when they were given the help to begin with. Mr. Owens asked if the insurance company paid the release for his property. Micheal said the City just received it and they will get him a copy as soon as the Mayor signs the release and it is recorded. Mr. Owens felt like there were a lot of mistakes made on this. Councilman Hall said he understands Mr. Owens frustration. Mr. Owens asked what they were going to do with the money received back on the properties. Micheal said the City would like to use it for something similar, like low income housing help or revitalization. Sidney Moho stated he and his wife were very grateful for the opportunity they were given when they began the self-help housing program, he just wished someone would have explained a little better what the stipulations were regarding the property. With no other comments, Robert Hall **moved** to approve Resolution 22-339. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

DRAFT

DRAFT

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Lesha Coltharp came before the Council to report on the activities for the upcoming grad night activities. She stated she was a parent of a Senior and wanted to come and ask if the City would be willing to support those activities again. Mayor Baker said the City has budgeted \$250 for the event this year. The amount was down from last year. Ms. Coltharp stated she would appreciate any help they could offer. Gordon Kitchen **moved** to approve the donation of \$250 for the grad night event. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Micheal updated the Council on the finances and revenues. He stated the sales tax has been going up in the last three months. Mayor Baker wanted to know if there was a way to keep track of whether or not the sales tax collected in Naples is actually being remitted to Naples. Micheal said Nikki tries to keep track of that but he would have to follow up and see. He stated that part of the problem is the zip code. Mayor Baker stated so many people list their business as located in Vernal. Micheal said if there is any particular business he is interested in checking to send him that name.

Mayor Baker asked Micheal if they wanted to keep the department reports on the agenda every time. Micheal said he would like to keep it on to try and keep the Council informed if they have any big projects they are working on.

Ryan Cook said he wanted the Council to know he has had some good comments about their work on chip sealing the roads. He said it's a great community and it's good to hear people express appreciation.

Szeth Simmons stated he has put down the weed control spray and is hoping for a good rain storm to activate that.

***REPORT ON GRAD NIGHT
ACTIVITIES AND
REQUEST FOR DONATION***

FINANCIAL UPDATE

DEPARTMENT REPORTS

Chief Simper wanted the Council to know they have an intern in the police department that came to them through the CTE program at the High School. He said all of the liability goes through the school's work program. Chief Simper stated the young man is interested in law enforcement and has been doing ride alongs with the department. Chief Simper also reported on the training they hosted last week and said it was a great success and provided a lot of their mandatory training hours. Chief Simper also expressed his thanks to Fire Chief Reynolds for helping facilitate the training. Chief Simper also updated the Council on the Narcotic Strike Force board meeting. He said the board did vote to increase the wage for those serving on the task force and that will mean an increase in the budget for next year in that line item.

DRAFT

Micheal said they have had a couple of people approach them about developing some of the subdivisions but those did not pan out, but he did feel like things were kind of starting to move.

Micheal gave the Council some future dates for the upcoming budget cycle. He presented dates for accepting the tentative budget, a budget workshop, the public hearing for next years budget, and the date for adopting the budget.

***OTHER MATTERS OR
FUTURE COUNCIL
MATTERS***

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 8:50. Dennis Long **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 14th DAY OF APRIL 2022

BY: _____

ATTEST: _____

Report Criteria:

Invoices with totals above \$0.00 included.

Only unpaid invoices included.

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-22500 HEALTH INSURANCE	22	American Family Life Assurance	Insurance Premium/employee w/h	777868	03/25/2022	168.48
10-22500 HEALTH INSURANCE	410	HealthEquity, Inc.	HSA Monthly Fees	983QFYV	04/06/2022	15.75
10-22502 MIKE HEALTH INSUR	1129	Vernal City	Health Insurance - M. Davis	6921	04/05/2022	1,710.14
Total :						1,894.37
10-43-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2209E00906	04/01/2022	88.66
10-43-330 EDUCATION AND TR	1211	Zion's First National Bank	Meeting lunch	129185	03/16/2022	46.66
10-43-330 EDUCATION AND TR	1211	Zion's First National Bank	Training Luncheon	945419687	03/28/2022	39.71
10-43-350 PUBLIC RELATIONS	1210	Zion's First National Bank	Canopy & Canopy Wall	22606522	03/24/2022	875.70
Total CITY ADMINISTRATOR:						1,050.73
10-44-120 TREASURER/PT TIM	604	Mortenson, Duston CPA	Treasurer Duties	604-0222	01/24/2022	1,400.00
10-44-241 BANK CHARGES	1075	Utah Dept. Workforce Services	Late filing fee	R 4-910758-8	02/28/2022	50.00
Total TREASURER:						1,450.00
10-50-250 C. HALL BLDG EQUIP	682	FleetPride	Door backup battery	97798684	04/04/2022	45.13
10-50-250 C. HALL BLDG EQUIP	1211	Zion's First National Bank	Air filters	112-4633766-0	04/12/2022	57.39
10-50-270 UTILITIES - SHOP	46	Ashley Valley Water & Sewer	Water and sewer billing 17.0475.1	4751-0322SH	03/30/2022	61.00
10-50-270 UTILITIES - SHOP	46	Ashley Valley Water & Sewer	Water and sewer billing 17.0476.1	4761-0322SB	03/30/2022	61.00
10-50-270 UTILITIES - SHOP	760	Dominion Energy	Monthly Gas Service - 056686000	0566-0322SH	03/24/2022	343.30
10-50-270 UTILITIES - SHOP	775	RDT, Inc.	Garbage Service - 3 months	858-0322	04/01/2022	66.00
10-50-270 UTILITIES - SHOP	988	Strata Networks	Internet at road dept	4701529	03/31/2022	64.98
10-50-270 UTILITIES - SHOP	1099	Rocky Mountain Power	Monthly Electric Service 6119018	0186-0322SH	03/21/2022	316.50
10-50-271 UTILITIES - CITY HAL	46	Ashley Valley Water & Sewer	Water and sewer billing 15.1050.1	0501-0322OF	03/30/2022	61.00
10-50-271 UTILITIES - CITY HAL	760	Dominion Energy	Monthly Gas Service - 207686000	2076-0322OF	03/24/2022	251.78
10-50-271 UTILITIES - CITY HAL	760	Dominion Energy	Monthly Gas Service - 447509353	4475-0322GEN	03/24/2022	21.63
10-50-271 UTILITIES - CITY HAL	760	Dominion Energy	Monthly Gas Service - 896686000	8966-0322WW	03/24/2022	141.57
10-50-271 UTILITIES - CITY HAL	775	RDT, Inc.	Garbage Service - 1118	1118-0322	04/01/2022	61.00

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-50-271 UTILITIES - CITY HAL	988	Strata Networks	Monthly Phone Service	4701529	03/31/2022	444.74
10-50-271 UTILITIES - CITY HAL	1099	Rocky Mountain Power	Monthly Electric Service 6115952	9526-0422WW	04/05/2022	145.94
10-50-271 UTILITIES - CITY HAL	1099	Rocky Mountain Power	Monthly Electric Service 6115959	9596-0322OF	03/21/2022	309.31
10-50-271 UTILITIES - CITY HAL	1107	Utah Department of Technology	Wide area network	2209R0940000	03/31/2022	122.98
10-50-273 OLD FIRE STATION/U	1147	Vernal Winnelson Company	Flex Gas Line	496803-01	03/29/2022	25.08
10-50-274 UTILITIES - PLAZA P	46	Ashley Valley Water & Sewer	Water and sewer billing 15.1049.1	0491-0322PP	03/30/2022	25.50
10-50-274 UTILITIES - PLAZA P	46	Ashley Valley Water & Sewer	Water and sewer billing 16.0435.1	4351-0322RSP	03/30/2022	25.50
10-50-274 UTILITIES - PLAZA P	1099	Rocky Mountain Power	Monthly Electric Service 6108154	1546-0422ST3	04/05/2022	11.33
10-50-611 CLEANING SUPPLIE	902	Staples	Trash bags, Swiffer	3503396600	03/26/2022	48.78
10-50-611 CLEANING SUPPLIE	902	Staples	Trash bags, Swiffer	3503396601	03/26/2022	9.99
Total GENERAL GOVERNMENT BUILDINGS:						2,721.43
10-51-250 EQUIPMENT, SUPPLI	1201	Xerox Corporation	Copy charges for WC7845	15905222	04/01/2022	95.44
Total SUPPLIES/EQUIPMENT:						95.44
10-52-245 COMPUTER SUPPLI	1006	Uintah County Recorder	Internet charges	59923	04/01/2022	10.00
Total PLANNING AND ZONING:						10.00
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	Finance charge	1210-422	04/04/2022	13.08
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	Hotel - D Roth travel	2475542EW	03/16/2022	403.44
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	Hotel - N Simper travel	3233979275	03/27/2022	489.72
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	Hotel - N Simper travel	92136417	02/01/2022	324.93
10-54-249 EQUIPMENT/PURCH	12	Alarm Innovations	Repair Surveillance System	988366	03/21/2022	495.00
10-54-249 EQUIPMENT/PURCH	341	Fastenal Company	Bolts	UTVER96274	04/04/2022	24.71
10-54-250 VEHICLE MAINTENA	277	Dan's Tire Service	Tire rotation	287183	04/11/2022	38.00
10-54-250 VEHICLE MAINTENA	627	Papa's Dino Express	Car washes	627-0322	04/01/2022	71.00
10-54-251 FUEL & OIL	808	Rocky Mountain Lube & Muffler	Oil change & lube	612502	03/28/2022	64.70
10-54-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2209E00906	04/01/2022	2,562.18
10-54-271 UTILITIES-POLICE	46	Ashley Valley Water & Sewer	Water and sewer billing 16.1110.1	1101-0322PS	03/30/2022	61.00
10-54-271 UTILITIES-POLICE	760	Dominion Energy	Monthly Gas Service - 045686000	0456-0322PS	03/24/2022	224.94

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-54-271 UTILITIES-POLICE	775	RDT, Inc.	Barrel service	1118-0322	04/01/2022	22.00
10-54-271 UTILITIES-POLICE	1099	Rocky Mountain Power	Monthly Electric Service 61118576	8576-0422PS	04/05/2022	141.34
10-54-282 DRUG TASK FORCE	1129	Vernal City	Narcotic Strike Force	6928	04/06/2022	8,500.00
10-54-283 CENTRAL DISPATCH	1072	Utah Dept of Public Safety	Dispatch 2022	22C0000029	08/25/2021	33,553.00
10-54-286 DUI ENFORCEMENT	1007	Uintah County Sheriff	Vest	1007-0322	03/14/2022	600.00
10-54-330 EDUCATION AND TR	1210	Zion's First National Bank	Utah Chiefs of Police Training	17681	03/17/2022	175.10
10-54-332 MOBILE UNIT EXPEN	53	AT&T Mobility	Wireless Data Connections	287283594206	03/20/2022	280.28
10-54-334 K-9 EXPENSES & EQ	1210	Zion's First National Bank	K-9 Handler Subscription	303860443	03/21/2022	140.00
Total POLICE DEPARTMENT:						48,184.42
10-55-610 MISCELLANEOUS EX	283	Davis Food & Drug	Safety Meeting Lunch	257853	04/12/2022	164.60
Total EMERGENCY PREPAREDNESS:						164.60
10-58-242 STATE 1% SURCHAR	1108	Utah State Dept of Commerce	1% building permit fee surcharge	1108-0422	03/31/2022	170.46
10-58-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2209E00906	04/01/2022	66.14
Total BUILDING INSPECTOR:						236.60
10-59-223 COMMUNITY EVENT	1005	Uintah Basin Jr. Livestock Show	UBJLS Donation	2104	04/06/2022	250.00
10-59-223 COMMUNITY EVENT	1015	Uintah Grad Night	Grad Night Sponsor	1015-0322	03/24/2022	250.00
10-59-223 COMMUNITY EVENT	1204	KXRQ-FM	Easter Egg Hunt	1204-0422	04/12/2022	125.00
Total COMMUNITY MARKETING:						625.00
10-60-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2209E00906	04/01/2022	704.15
10-60-270 SMALL EQUIPMENT	1147	Vernal Winnelson Company	Grease Gun	496829-01	03/30/2022	199.00
10-60-270 SMALL EQUIPMENT	1147	Vernal Winnelson Company	Tools/Equipment	496852-01	03/30/2022	478.00
10-60-278 BLUE STAKES	139	Blue Stakes of Utah 811	Monthly fax notifications	UT202200735	03/31/2022	42.30
10-60-470 WORK SHIRTS/SAFE	448	Intermountain Farmers Assoc.	Safety clothing	1016819398	03/25/2022	49.28
Total STREETS:						1,472.73
10-68-270 UTILITIES-STREET LI	1099	Rocky Mountain Power	Monthly Electric Service 6108154	1546-0322ST1	03/21/2022	2,143.98
Total STREET LIGHTS:						2,143.98

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-70-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2209E00906	04/01/2022	257.48
10-70-251 FUEL & OIL	1174	Pilot Travel Centers, LLC	Monthly fuel purchases	543543447	04/01/2022	137.80
10-70-255 EQUIPMENT REPAIR	223	Codale Electric Supply	Bolts Pack	S7682728.001	03/17/2022	7.30
10-70-255 EQUIPMENT REPAIR	1147	Vernal Winnelson Company	PVC Fittings	496772-01	03/28/2022	16.44
10-70-255 EQUIPMENT REPAIR	1211	Zion's First National Bank	Office chair	112-9814712-1	04/11/2022	169.71
10-70-264 WEED CONTROL	1155	Warne Chemical & Equipment	Weed sprayer drain hose & caps	409738	03/15/2022	69.01
10-70-269 SUBDIVISION PARK	46	Ashley Valley Water & Sewer	Water and sewer billing 18.0551.1	5511-0322IRO	03/30/2022	27.50
10-70-269 SUBDIVISION PARK	46	Ashley Valley Water & Sewer	Water and sewer billing 18.1826.4	8264-0322SUN	03/30/2022	27.50
10-70-271 UTILITIES OF EAST P	46	Ashley Valley Water & Sewer	Water and sewer billing 16.1128.1	1281-0322PK	03/30/2022	61.00
10-70-274 TOOLS & SUPPLIES	555	Lowe's Commercial Services	Straight Jaw Purler	60526284	03/17/2022	181.94
10-70-274 TOOLS & SUPPLIES	958	Main Street Auto	Grease Gun	122637	04/04/2022	124.48
Total BUILDING & GROUNDS:						1,080.16
Grand Totals:						61,129.46

Report Criteria:

Invoices with totals above \$0.00 included.
Only unpaid invoices included.

Naples City Ordinance number 22-243
Regulation of Retail Tobacco Specialty Businesses

**AN ORDINANCE DEFINING RETAIL TOBACCO SPECIALTY BUSINESS AND
PROHIBITING THE ESTABLISHMENT OR OPERATION OF RETAIL TOBACCO
SPECIALTY BUSINESSES**

WHEREAS, use of tobacco products by individuals is damaging to their health; and

WHEREAS, the operation of retail tobacco specialty businesses promotes the use of tobacco products to the detriment of individuals within Naples City; and

WHEREAS, the regulation of retail tobacco specialty business is an exercise of the police powers of the state which has been delegated by the state legislature to local government entities; and

WHEREAS, in consideration of the health safety and welfare of the citizens of Naples City the City Council has determined that Naples City should exercise the authority granted to it by Utah law to prohibit retail tobacco specialty businesses within Naples City.

WHEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF NAPLES CITY,
STATE OF UTAH AS FOLLOWS:

Section: PURPOSE: the purpose of this ordinance is to regulate the establishment and operation of retail tobacco specialty businesses in Naples City

Section: DEFINITIONS: retail tobacco specialty business: as used herein, shall have the same meaning and definition as set forth in Section 10-8-41.6 of the Utah code.

All other terms as used herein, shall have the same meaning and definition as set forth in Section 10-8-41.6 of the Utah Code.

Section LICENSE REQUIRED: a person may not operate a retail tobacco specialty business in Naples City unless the person obtains a license from the City.

Section RESTRICTIONS: a retail tobacco specialty business is subject to the limitations and restrictions set forth in Section 10-8-41.6 of the Utah Code.

Section AUTHORITY: pursuant to the provisions of Section 10-8-41.6 (6) a municipality may adopt more restrictive requirements on retail tobacco specialty businesses and may elect to not issue retail tobacco specialty business licenses.

Section PROHIBITION: no person or entity shall be issued a license to operate a retail tobacco specialty business in Naples City.

Section: PENALTY any violation of this Ordinance is a Class B Misdemeanor punishable

by a fine of up to \$1,000.00 or imprisonment for up to 6 months or both as imposed by law or a court of competent jurisdiction.

Section EFFECTIVE DATE: this Ordinance shall become effective upon publication or posting as set forth by state law a notice of enactment of the Ordinance shall be published and shall be posted on the public notice website of the State of Utah and the City website.

Adopted and approved by the Naples City Council, the legislative body of Naples City at a regular meeting of the City Council on the ____ day of April, 2022.

By: _____
Dean Baker, Mayor

Attest:

City Recorder

Certificate of Posting/Publication

I, _____, the duly appointed and acting Recorder for the City of Naples, Utah, hereby certify that a short summary of Ordinance No. 22-243 was published in the Vernal Express on this ____ day of _____, 2022.

City Recorder